

Remarks

Applicant timely submits this response to the Examiner's Office Action of January 8, 2008 with a request for a three-month extension of time that extends the period for response through July 8, 2008. The Office Action has been carefully reviewed and the following remarks are made in response thereto.

Claims 1-15 have been amended. Claims 12 and 16-17 have been cancelled. Claims 18-27 have been added. Applicant respectfully submits that no prohibited new matter has been added.

Claim 1 recites "applying a superficial treatment of bifenthrin in a solvent or carrier to the wood product, such that the wood product after the superficial treatment does not require re-drying" to more clearly claim the subject matter. Support for "a superficial treatment of bifenthrin" or "the bifenthrin is applied to the wood product by a superficial treatment" may be found at least at page 3, lines 8-11, lines 19-20, and lines 23-25 of the application. Support for "in a solvent or carrier" may be found at least at page 6, lines 5-8 and Tables 1-5 of the application. Support for "the wood product after the superficial treatment does not require re-drying" may be found at least at page 7, lines 10-13 of the application.

Support for "the bifenthrin is applied to the wood product by dipping, rolling, brushing, misting and spraying" of Claim 2 may be found at least at page 5, lines, 23-24 of the application.

Support for Claims 3-5 may be found at least at page 5, lines 24-32 and page 6, lines 1-2 of the application.

Support for "a suspension concentrate, emulsion concentrate, microemulsion or dust" of Claim 6 may be found at least at page 6, lines 4-8 of the application.

Support for “the retention rate of the bifenthrin is about between 4 and 23 g per cubic meter of the wood product” of Claim 9 may be found at least at page 3, lines 26-28 and Table 2 and Table 3 of the application.

Support for “resistant to temperature and UV when the wood product is exposed to rain, sunlight, temperature” of Claim 12 may be found at least at page 3, lines 4-21 of the application.

Support for “the bifenthrin in a solvent or carrier is applied to the wood product by dipping for four seconds” of Claims 18-19 may be found at least at page 3, lines, 23-25 of the application.

Support for Claims 20-23 may be found at least at lines 18-23 of page 7 of the application.

Support for “the bifenthrin does not significantly penetrate into the wood product by the superficial treatment” of Claims 24-25 may be found throughout the specification and at least at page 2, line 16 to page 3, line 21 of the application.

Support for claims 26-29 may be found at least at page 6, lines 5-8 of the application.

In view of the amendments and following remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

I. Summary of the Office Action

1. Upon entry of the attached amendment, claims 1-11, 13-15 and 19-27 will be pending.

2. Claims 1, 6, 9-12, 14, 16 and 17 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 7-20 of copending Application No. 10/537,148 (U.S. Patent Application Publication No. 2007/0074640).

3. Claim 12 is rejected, under 35 USC § 112, second paragraph, as allegedly indefinite.

4. Claims 1, 2, 6, 10-12, 14 and 16 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,747,519 (Kodama et al.).

5. Claims 1, 2, 6, 8, 10-12, 14 and 16 are rejected under 35 USC § 102(b) as being anticipated by CA 2321353 (Wimmer et al.).

6. Claims 1, 6, 10-12 and 14 are rejected under 35 USC § 102(b) as being anticipated by JP 11-207706 (Takahide et al.).

7. Claims 1, 2, 6, 7, and 9-17 are rejected under 35 USC § 102(b) as being anticipated by Shires et al. (The International Research Group on Wood Preservation, 19-24 May 1996).

8. Claims 1, 9-14 and 17 are rejected under 35 USC § 102(b) as being anticipated by Creffield et al. (The International Research Group on Wood Preservation, 12-17 May 2002).

9. Claims 1, 6, 10-12 and 14 are rejected under 35 USC § 102(b) as being anticipated by EP 1018413 (Jaetsch et al.)

10. Claims 1, 2, 6, 10-12, 14 and 16 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,536,305 (Yu).

11. Claims 3-5 are rejected under 35 USC § 103(a) as allegedly obvious over Kodama et al, Wimmer et al., Shires et al., and Yu as applied to the claims in view of U.S. Patent No. 4,894,262 (Heitmanek).

12. Claim 8 is rejected under 35 USC § 103(a) as allegedly obvious over Kodama et al., Wimmer et al., Shires et al., Creffield et al., Jaetsch et al., and Yu as applied to the claims in view of U.S. Patent No. 2,892,261 (Hutchinson).

13. No claims were allowed.

II. Response to the Office Action

1. Double Patenting

Claims 1, 6, 9-12, 14, 16 and 17 are provisionally rejected as allegedly unpatentable, under the doctrine of nonstatutory obviousness type double patenting, over claims 7-20 of copending U.S. Patent Application Serial No. 10/537,148 (U.S. Application Publication No. 2007/0074640).

Applicants respectfully request that the provisional obviousness-type double patenting rejections of claims 1, 6, 9-12, 14, 16 and 17, as detailed in the Examiner's Office Action, be held in abeyance, until allowable subject matter is indicated by the Examiner.

2. Claim Rejections under 35 U.S.C. §112, Second Paragraph

Claim 12 is rejected, under 35 USC § 112, second paragraph, as allegedly indefinite. Claim 12 has been cancelled, rendering the rejection moot.

3. Claim Rejections under 35 U.S.C. §102(b)

a. Kodama *et al.*

Claims 1, 2, 6, 10-12, 14 and 16 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,747,519 (Kodama *et al.*). The Examiner alleged that Kodama *et al.* disclose treating wood, such as timber or wood, by impregnating the wood with bifenthrin. Applicants respectfully traverse this rejection.

Kodama *et al.* is drawn to a termite control composition for soil treatment containing a 3-cyano-1-(substituted phenyl)-pyrazole derivative and pyrethroid compounds including bifenthrin as effective ingredients and a method of control of pests using the synergistic compositions, especially applying an effective amount of the compositions containing a 3-cyano-1-

(substituted phenyl)-pyrazole derivative and bifenthrin. Kodama *et al.* only disclose that a composition comprising bifenthrin may be used for wood treatment.

Kodama *et al.* do not teach a superficial treatment of a wood product with bifenthrin in a solvent or carrier, such that the wood product after the superficial treatment does not require re-drying. Thus, the methods of Kodama *et al.* do not anticipate or suggest the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Kodama *et al.* also do not disclose methods of treating a wood product with a bifenthrin concentrate or, specifically, a suspension concentrate, emulsion concentrate, microemulsion or dust. Thus, Kodama *et al.* do not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Kodama *et al.* neither disclose nor suggest the claimed methods for preserving wood product or the resulting wood products. Applicant respectfully requests withdrawal of this rejection.

b. Wimmer *et al.*

Claims 1, 2, 6, 8, 10-12, 14 and 16 are rejected under 35 USC § 102(b) as being anticipated by CA 2321353 (Wimmer *et al.*). The Examiner alleges that Wimmer *et al.* disclose a wood preservative comprising a cyclodextrin, tebuconazole, propiconazole and bifenthrin and a method of protecting wood by treating with the composition comprising bifenthrin. Applicant respectfully traverses this rejection.

Wimmer *et al.* disclose that one of the benefits of treating wood with a preservative composition comprising bifenthrin is improved depth of penetration. (Abstract and second paragraph of page 1 of Wimmer *et al.*). Wimmer *et al.* further discloses that improved penetration depth and improved efficacy against termites by using a wood preservative comprising a cyclodextrin derivative in combination with hydrophobic fungicide or a hydrophobic insecticide, such as bifenthrin.

Wimmer *et al.* teach away from a superficial treatment of wood using bifenthrin. Wimmer *et al.* discloses methods to improve the depth of penetration of bifenthrin into wood.

Wimmer *et al.* also do not teach a superficial treatment of wood with bifenthrin as either a concentrate or diluted in a solvent or carrier, such that the wood product does not require re-drying. Thus, the methods of Wimmer *et al.* do not anticipate or suggest the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Wimmer *et al.* also do not disclose methods of treating a wood product with bifenthrin in the form of a suspension concentrate, emulsion concentrate, microemulsion or dust. Thus, Wimmer *et al.* do not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Applicant respectfully submits that Wimmer *et al.* do not anticipate the pending claims. Therefore, Wimmer *et al.* neither disclose nor suggest the claimed method for preserving wood product. Applicant respectfully requests withdrawal of this rejection.

c. Takahide *et al.*

Claims 1, 6, 10-12 and 14 are rejected under 35 USC § 102(b) as being anticipated by JP 11-207706 (Takahide *et al.*). The Examiner alleges that Takahide *et al.* disclose a wood preservative compositions comprising bifenthrin and methods of applying those composition to wood. Applicant respectfully traverses this rejection.

Takahide *et al.* do not teach each and every element of the claimed invention. Takahide *et al.* is drawn to a composition comprising wood antiseptic component (A) and an insecticide component (B). Propiconazole is disclosed as component (A) and bifenthrin is disclosed as component (B). Takahide *et al.* disclose that the combination of propiconazole with an insecticide such as bifenthrin, allows for the preparation of a stable concentrate.

The wood produced by the methods of Takahide *et al.* are not superficial treatments of wood with bifenthrin, but, instead, are treatments that require re-drying of the wood after treatment. The methods of Takahide *et al.* require a drying step. Thus, the methods of Takahide *et al.* do not anticipate or suggest the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Takahide *et al.* also do not disclose methods of treating a wood product with bifenthrin in the form of a suspension concentrate, emulsion

concentrate, microemulsion or dust. Thus, Takahide *et al.* do not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Applicant respectfully submits that Takahide *et al.* do not anticipate the pending claims. Therefore, Takahide *et al.* neither disclose nor suggest the claimed method for preserving wood product. Applicant respectfully requests withdrawal of this rejection.

d. Shires *et al.*

Claims 1, 2, 6, 7, and 9-17 are rejected under 35 USC § 102(b) as being anticipated by Shires *et al.* (The International Research Group on Wood Preservation, 19-24 May 1996). The Examiner alleges that Shires *et al.* disclose bifenthrin as a wood preservative and a superficial treatment of pine and beech wood with a light organic solvent product comprising bifenthrin. Applicant respectfully traverses this rejection.

Shires *et al.* disclose test results of wood treated using a microemulsion concentrate of bifenthrin and bifenthrin in a light organic solvent product (LOSP) by dipping, double vacuum, and superficial treatment to Scots pine sapwood and beech wood against *Hylotrupes bajulus L.* and *Anobium punctatum de Ceer.* In determining the penetration of bifenthrin into wood and the resultant resistance to termites, Shires *et al.* disclose that “all samples were conditioned for 4 weeks in a controlled climate room to assure complete fixation of bifenthrin on the wood matrix.” (2.1 “Penetration in wood” of Shires *et al.*). Shires *et al.* discloses that after dipping, the wood blocks were dried for four weeks prior to the biological testing against the termites. (2.2 “Biological tests on wood-destroying insects” of Shires *et al.*) Re-drying the wood product after treatment with bifenthrin is necessary because the wood interior becomes wet due to the significant penetration of the bifenthrin by the disclosed treatment. In contrast to the claimed invention, the methods of Shires *et al.* produce significant bifenthrin penetration into the wood product, such that re-drying of the wood product is required. Thus, the methods of Shires *et al.* do not anticipate or suggest the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Shires *et al.* also do not disclose methods of treating a wood product with bifenthrin in the form of a suspension concentrate, emulsion concentrate, microemulsion or dust. Thus, Shires *et al.* do not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Applicant respectfully submits that Shires *et al.* do not anticipate the pending claims. Shires *et al.* neither disclose nor suggest the claimed method for preserving wood product. Applicant respectfully requests withdrawal of this rejection.

e. Creffield *et al.*

Claims 1, 9-14 and 17 are rejected under 35 USC § 102(b) as being anticipated by Creffield *et al.* (The International Research Group on Wood Preservation, 12-17 May 2002). The Examiner alleges that Creffield *et al.* disclose treating *P. radiate* sapwood specimens to a nominal retention of 2.5, 5, 10, 15, 20, 30 and 50 g/m³ of bifenthrin with white spirit used as the solvent. Applicant respectfully traverses this rejection.

Creffield *et al.* disclose comparative termiticidal effectiveness of bifenthrin between a laboratory bioassay and field trial, when the bifenthrin is impregnated into wood. White spirit was used as the solvent in both the laboratory and field tests conducted in Creffield *et al.* Creffield *et al.* does not disclose a superficial treatment of a wood product with bifenthrin. Specifically, bifenthrin was vacuum-impregnated into wood and the solvent was removed by a re-drying procedure. (see, Creffield *et al.*, page 3, lines 1-5). Thus, the methods of Creffield *et al.* do not anticipate or suggest the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Creffield *et al.* also do not disclose methods of treating a wood product with bifenthrin in the form of a suspension concentrate, emulsion concentrate, microemulsion or dust. Thus, Creffield *et al.* do not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Applicant respectfully submits that Creffield *et al.* do not anticipate the pending claims. Creffield *et al.* neither disclose nor suggest the claimed method for preserving a wood product. Applicant respectfully requests withdrawal of this rejection.

f. Jaetsch *et al.*

Claims 1, 6, 10-12 and 14 are rejected under 35 USC § 102(b) as being anticipated by EP 1018413 (Jaetsch *et al.*). The Examiner alleges that Jaetsch *et al.* disclose insecticidal

treatment of the backside of plywood with bifenthrin dissolved in solvents. Applicant respectfully traverses this rejection.

Jaetsch *et al.* teach the application of a biocide-containing glue to wood, in which the glue is used to adhere the components of wood products (See paragraph 21). The chemical formulations of the glue contain phenolic compounds and other anti-insect, anti-termite, and anti-fungal agents. Bifenthrin is an exemplary biocide in the chemical formulations of Jaetsch *et al.* Jaetsch *et al.* disclose methods of adhering components of wood products with a biocide-containing glue and not disclose methods of surface treating a wood product by, for example, pressure treatment, brushing or soaking. Jaetsch *et al.* states that according to the invention:

“...the technique aims to acquire wooden materials and wood composites with anti-insect, anti-basidiomycetes, anti-termite and anti-fungal efficacy not by injecting or surface treating under pressure or by brushing or soaking the phenolic compounds or other anti-insect, anti-basidiomycetes, anti-termite and anti-fungal agents in single formulations or in combinations but by sticking the plies with the adhesives incorporated with the organic phenol compounds and the other anti-insect, anti-basidiomycetes, anti-termite and anti-fungal agents in combinations.

Accordingly, even if some of the above mentioned organic phenol compounds and other anti-insect, anti-basidiomycetes, anti-termite, anti-fungal agents show chemical efficacy by injecting or surface treating under pressure or by brushing or soaking, it does not mean immediately that those compounds can be applied to such application method as the method of adhesive incorporation mentioned in this invention.

See Paragraphs 18 and 19.

Thus, the methods of Jaetsch *et al.* do not teach methods for the superficial treatment of a wood product with bifenthrin. Thus, Jaetsch *et al.* neither anticipate nor suggest the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Jaetsch *et al.* also do not disclose methods of treating wood products using application methods such as dipping, rolling, brushing, misting or spraying. Thus, Jaetsch *et al.* do not anticipate or suggest the method of claim 2 also for this reason. Jaetsch *et al.* also do not disclose methods of treating a wood product with bifenthrin in the form of a suspension concentrate, emulsion

concentrate, microemulsion or dust. Thus, Jaetsch *et al.* do not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Applicant respectfully submits that Jaetsch *et al.* do not anticipate the pending claims. Jaetsch *et al.* neither disclose nor suggest the claimed method for preserving a wood product. Applicant respectfully requests withdrawal of this rejection.

g. Yu

Claims 1, 2, 6, 10-12, 14 and 16 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 5,536,305 (Yu). The Examiner alleges that Yu discloses applying bifenthrin to timber via pressure treatment, vacuum treatment, dipping, brushing, spraying, or soaking. Applicants respectfully traverse this rejection.

Yu is drawn to compositions (both concentrate and water-diluted forms) comprising (a) at least one organic, water insoluble wood preservative compound; (b) a surfactant system consisting of, *inter alia*, sulfated anionics, quaternary ammonium cationics, and amphoterics; and (c) an optional non-polar organic solvent, and a method of wood treatment, using the disclosed compositions, to achieve improved properties, such as lower rates of leaching of the organic preservative compound. Bifenthrin is an exemplary wood preservative compound. Yu also teaches that the preferred method to applying the wood preservative composition to wood is pressure treatment or vacuum treatment so as to achieve a higher level of impregnation. (col. 4, ll. 24-41). The alleged advantage of the disclosed methods is that the wood preservative compound is resistant to leaching when treated wood is exposed to water, thus deeper penetration of the wood preservative composition is desirable.

The methods of Yu, however, require a re-drying step. (See Example 2). The disclosed re-drying steps include a two-day-drying step at room temperature and conditioning for 21 days, before the treated wood is tested for resistance to termites. (See Example 2). Generally, Yu teach that “after treatment the water and any solvent are removed by any method, for example, by evaporation.” (See, column 4, lines 26-30). Thus, Yu neither anticipates nor suggests the methods of claims 1-9, 18, 20, 21, 24, 26 and 27 and the wood product of claims 10, 11, 13-15, 19, 22, 23 and 25. Yu also

does not disclose methods of treating a wood product with bifenthrin in the form of a suspension concentrate, emulsion concentrate, microemulsion or dust. Thus, Yu does not anticipate or suggest the method of claim 6 for also this reason.

Accordingly, Applicant respectfully submits that Yu does not anticipate the pending claims. Yu neither discloses nor suggests the claimed method for preserving a wood product. Applicant respectfully requests withdrawal of this rejection.

4. Claim Rejections under 35 U.S.C. §103(a)

a. Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, and Yu in view of Heitmanek

Claims 3-5 are rejected under 35 USC § 103(a) as allegedly obvious over Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, and Yu as applied to the claims in view of U.S. Patent No. 4,894,262 (Heitmanek). Applicant respectfully traverses this rejection.

The Examiner alleges that Heitmanek teaches treating lumber by spraying at the sawmill to seal the sides and ends to maintain the moisture content of the wood and it would have been *prima facie* obvious for one skilled in the art at the time of the invention to apply the bifenthrin composition to the timber product of Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, and Yu while the timber product is at the sawmill and has been stress graded and freshly cut by a docker saw in order to seal/protect the sides and the ends, as taught by Heitmanek.

Neither Kodama *et al.*, Wimmer *et al.*, Shires *et al.* nor Yu teach each and every element of the claimed invention. Although Kodama *et al.*, Wimmer *et al.*, Shires *et al.* and Yu disclose that a composition comprising bifenthrin may be used for wood treatment, none of the cited references disclose methods of applying a superficial treatment of bifenthrin in a solvent or carrier to a wood product, such that the wood product after the superficial treatment does not require re-drying.

Heitmanek does not remedy this deficiency. Heitmanek only discloses a lumber-end-sealing machine, utilizing a single spraying machine and exhaust system, and non-contact masking of the end of a lumber package through the use of traveling and rotating sealer paint spray guns. The combined teachings of Kodama *et al.*, Wimmer *et al.*, Shires *et al.* and Yu, in view of

Heitmanek, would not yield the claimed methods of claims 3-5, as amended. Accordingly, Applicant respectfully requests withdrawal of this rejection.

b. Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.*, and Yu in view of Hutchinson

Claim 8 is rejected under 35 USC § 103(a) as allegedly obvious over Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.*, and Yu as applied to the claims in view of U.S. Patent No. 2,892,261 (Hutchinson). Applicant respectfully traverses this rejection.

The Examiner alleges that Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.*, and Yu do not teach heating the timber product prior to treating with bifenthrin, however. Hutchinson, however, allegedly discloses a process for drying and preserving lumber and simultaneously rendering the lumber water-resistant, flame-resistant and resistant to termites. According to Hutchinson, the temperature of the lumber is increased to open the pores of the wood before treatment with insecticides. According to the Examiner, it would have been allegedly *prima facie* obvious for one skilled in the art at the time of the invention to heat the timber product of Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.*, and Yu prior to treatment with bifenthrin in order to open the pores of the wood to condition it for the subsequent treatment, as taught by Hutchinson.

As the Examiner admits, neither Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.* nor Yu teach or suggest heating the timber product prior to treating with bifenthrin. Hutchinson does not remedy this deficiency. Hutchinson discloses a process for treating green lumber comprising streaming the lumber and then contacting the lumber with water-immiscible liquids at temperatures above about 212 °F without appreciable absorption of water-immiscible liquid in the lumber. Further, Hutchinson teaches that temperatures above 212 °F must be employed for drying lumber, after treatment, for preventing appreciable absorption of the treating medium itself and other treating chemicals, such as insecticides. (col. 2, ll. 27-58). Therefore, the temperature in Hutchinson is near the boiling point to clean the lumber and raise the temperature of the lumber for drying process, which teaches away from Applicant's claimed methods.

Even if the teachings of Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.* and Yu could be modified by Hutchinson, which they cannot, the modified teachings would not yield the claimed methods. Among other things, neither Kodama *et al.*, Wimmer *et al.*, Shires *et al.*, Creffield *et al.*, Jaetsch *et al.*, and Yu teach each and every element of the claimed invention. None of the cited references disclose methods of applying superficial treatments of a wood product with bifenthrin (either as a concentrate or diluted in a solvent or carrier), such that the wood product does not require re-drying.

Applicant respectfully submits that the Examiner's combination of references do not teach every element of the pending claims, nor do they render the claimed invention obvious. Accordingly, withdrawal of the rejection is respectfully requested.

IV. Conclusion.

Applicant believes that the above-referenced application is in condition for allowance. Reconsideration and withdrawal of the outstanding rejections and early notice of allowance to that effect is respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 13-3250, reference No. 38184.04113US. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F. R. § 1.136(a)(3).

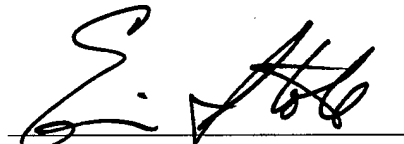
If the Examiner finds that a telephone conference would further prosecution of this application, the Examiner is invited to contact the undersigned at 202-835-7553.

Respectfully submitted,

MILBANK, TWEED, HADLEY & McCLOY LLP

Date: July 8, 2008

By:


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